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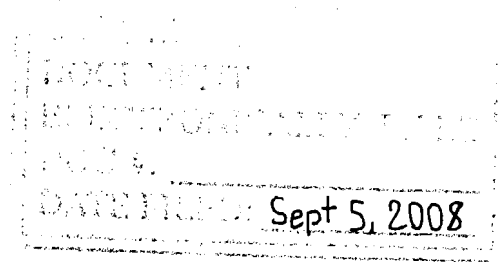
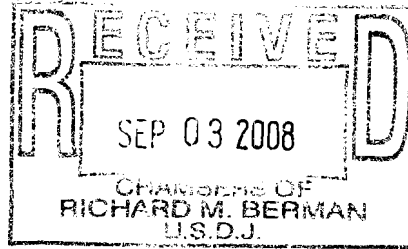
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September 2, 2008

VIA HAND DELIVERY

Hon. Richard D. Berman
USDJ
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street - Rm. 650
New York, New York 10007



MEMO ENDORSED
p. 2

Re: Acorn Capital Group, LLC v. Petters, 08 Civ 7236

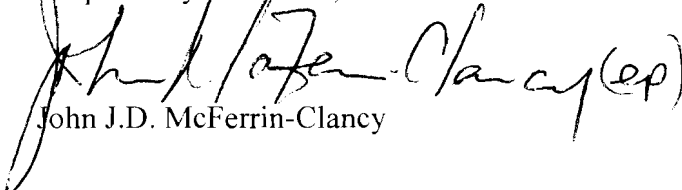
Dear Judge Berman:

We represent defendant Thomas J. Petters ("Petters") in the above-referenced matter assigned to Your Honor. I write on behalf of both sides in this action, to respectfully request an adjournment of the preliminary conference and the submission of the case management order, currently scheduled for September 25, 2008, to not earlier than October 1, 2008. The adjournment is necessary to facilitate active settlement negotiations that may resolve this case at an early stage.

This is an action, as alleged in the complaint, brought by Acorn Capital Group, LLC ("Acorn"), the lender to a corporation, on a personal guarantee allegedly given by defendant Petters. Each of Acorn and Petters are in negotiations with third parties, to work out, sell or refinance the underlying debt and/or guarantee. It has been agreed that there will be a standstill until after September 30, 2008.

Therefore, both parties respectfully request that the Court adjourn the conference and due date for the case management order until October 1, 2008 or later.

Respectfully submitted,


John J.D. McFerrin-Clancy


JM-C:eap

Hon. Richard D. Berman
Page 2

September 2, 2008

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09/02/08 9692138.1

cc: Robert Gottlieb, Esq. (Via E-mail)

<u>Application granted. Conference adjourned to</u> <u>10/2/08 at 9:00 a.m.</u>	
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SO ORDERED:	
Date: <u>9/4/08</u>	
Richard M. Berman, U.S.D.J.	

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